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**TRANSMITTAL LETTER
PETITION FOR ORAL HEARING**

Applicant : Weatherill et al.
App. No : 09/777,420
Filed : February 6, 2001
For : REEL HOUSING WITH DECORATIVE
ACCESS PANEL
Examiner : John Quoc Nguyen
Art Unit : 3654

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 5, 2005

(Date)

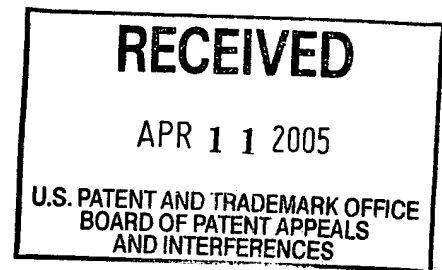
Sanjivpal S. Gill
Sanjivpal S. Gill, Reg. No. 42,578

Mail Stop Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

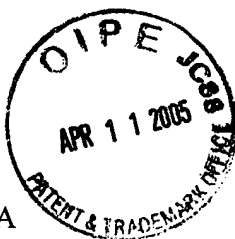
Enclosed for filing in the above-identified application are:

- (X) Petition for Oral Hearing in 3 pages.
- (X) Request for Oral Hearing in 1 page.
- (X) Copy of previously filed Transmittal Letter.
- (X) A check in the amount of \$130 to cover the above fee is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PETITION FOR ORAL HEARING

Mail Stop Interferences

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is submitted in response to the Order Denying Request For Oral Hearing faxed on March 24, 2005.

Relevant Facts

This application is currently under appeal. On September 27, 2004, Appellants filed a Reply Brief along with a transmittal letter. The Reply Brief states "Pursuant to 37 C.F.R. § 1.194, Appellants respectfully request an Oral Hearing in this Appeal. This request is also made in a separate paper filed herewith, and is accompanied by the fee set forth in 37 C.F.R. § 1.17(d)." The separate paper to which the Reply Brief refers is the transmittal letter, which plainly states "Appellants hereby request an oral hearing." A copy of the transmittal letter filed with the Reply Brief is enclosed.

On March 24, 2005, the Office faxed an Order Denying Request For Oral Hearing to Appellants' attorneys of record. The Order indicates that Appellants' request for an oral hearing

04/26/2005 SLUW61 00000003 09777420

01 FC:1464 130.00 OP

Adjustment date: 04/27/2005 SLUW61

04/26/2005 SLUW61 00000003 09777420

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04/27/2005 SLUW61 00000010 111410 09777420

01 FC:2403 370.00 DA 130.00 OP

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is not granted due to the Appellants' failure to file the request in a separate paper, as required by 37 C.F.R. § 1.194(b).

Separate Paper Rule

The rule in question, 37 C.F.R. § 1.194(b), states the following:

"If appellant desires an oral hearing, appellant must file, in a separate paper, a written request for such hearing accompanied by the fee set forth in § 1.17(d) within two months from the date of the examiner's answer."

Primary Argument

Simply stated, Appellants' transmittal letter *clearly* meets the separate paper requirement of 37 C.F.R. § 1.194(b). The transmittal letter plainly states "Appellants hereby request an oral hearing." The rule does not state that the request may not appear in a transmittal letter. The transmittal letter is *separate* from the Reply Brief. Accordingly, Appellants respectfully request that the Order denying Appellants' request for oral hearing be reversed, and that an oral hearing date be set.

Alternative Argument

In the alternative, Appellants respectfully request that the requirement to *timely* file (i.e., within two months from the date of the examiner's answer, as required by 37 C.F.R. § 1.194(b)) a request for an oral hearing in a separate paper be waived, so that Appellants may file a new request in a separate paper. To that end, filed herewith is a request for oral hearing in a separate paper.

An oral hearing is desired in this case because the claimed invention is very simple and relates partly to aesthetic aspects of a reel. Simple inventions are more subject to the much-discussed "hindsight trap," in which the very simplicity of an invention leads an examiner to use the applicant's own disclosure as a blueprint to defeat patentability. Moreover, inventions relating to aesthetic aspects are often not accorded much weight by the Patent Office, despite the Federal Circuit's contrary holdings. *See, e.g., In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999). Accordingly, Appellants desire an oral hearing to fully address any concerns that the Board may have with respect to the invention's simplicity and aesthetic nature.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/5/05

By: Sanjivpal S. Gill
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Registration No. 42,578
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Sanjivpal S. Gill
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REQUEST FOR ORAL HEARING

Mail Stop INTERFERENCE
Board of Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant(s) hereby request an Oral Hearing in this Appeal. The request for Oral Hearing fee was previously paid on September 27, 2004.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/5/05

By: *Sanjivpal S. Gill*
Sanjivpal S. Gill
Registration No. 42,578
Attorney of Record
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(415) 954-4114

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